

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:06CR296
	)	
v.	)	
	)	
CARL JOHNSON,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motions to reduce sentence (Filing Nos. 40 and 42), supported by a brief (Filing No. 43). The Court has reviewed both of the motions and the brief and finds that the motions should be denied.

The modifications to the United States Sentencing Guidelines for crack cocaine which became effective November 1, 2007, do not apply to the defendant as he was sentenced as a career offender. See *United States v. Thomas*, 524 F.3d 889 (8th Cir. 2008). The guidelines for determination of a sentence for a career offender have not been changed or modified by the recent adjustments to the crack cocaine guidelines. For these reasons, the guidelines calculations would be the same today as they were at the time he was sentenced in March of 2007. As none of the amendments to the guidelines impact the determination of the defendant's sentence under the guidelines, § 1B1.10(a) of the guidelines is not applicable. For these reasons, defendant's motions will be denied. Accordingly,

IT IS ORDERED that defendant's motions to reduce sentence are denied.

DATED this 27th day of March, 2009.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court